

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by Todd Vargo, Planner I

SUBJECT: Resolution
DG 10-3-02 The Giller Plat, 5365 SW 76 Ave/Generally located on the east side of University Drive between Griffin and Stirling Roads.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF "THE GILLER PLAT", AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Petitioner is requesting to amend the restrictive note on "The Giller Plat" from "this plat is restricted to 32,000 square feet of Office use." to "this plat is restricted to 6,400 square feet of Retail/Commercial use and 25,600 square feet of Warehouse use."

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachments: Resolution, Planning Report, Plat, Existing Future Land Use Map, Subject Site and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF "THE GILLER PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as The Giller Plat (PB 155, PG 38) was approved by the Town Council of the Town of Davie on February 3, 1993; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on The Giller Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2002.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Owner:</u>		<u>Agent:</u>	
Name:	Richard & Rebecca Cousins	Name:	William H. Wolf III
Address:	5915 Sheridan Street	Address:	5975 S. University Drive
City:	Hollywood, FL 33021	City:	Davie, FL 33328
Phone:	(954) 474-5474	Phone:	(954) 680-8944

BACKGROUND INFORMATION

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend the current plat note restriction on "The Giller Plat" from "32,000 square feet of Office use" to "6,400 square feet of retail/commercial use and 25,600 square feet of warehouse use."

Address/Location: 5365 SW 76 Ave/Generally located on the east side of University Drive between Griffin and Stirling Roads.

Future Land Use Plan Designation: Commerce/Office

Zoning: CC - Commerce Center District

Existing Use: Vacant

Proposed Use: 6,400 square feet of retail/commercial use and 25,600 square feet of warehouse use

Parcel Size: 2.0833 acres (90,749 square feet)

	<u>Surrounding Uses:</u>
North:	Utility (FPL Substation)
South:	Mini-Storage
East:	Vacant/Auto Dealership
West:	Residential

<u>Surrounding Land</u>
<u>Use Plan Designation:</u>
Utility
Commerce/Office
Commerce/Office
Commercial

Surrounding Zoning:
North: U, Utility
South: CC, Commerce Center District
East: B-3, Planned Business Center District
West: CC, Commerce Center District

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: Town Council approved the plat, P 12-1-92 The Giller Plat, on February 3, 1993.

Town Council approved R-98-41 to amend the note from “32,000 square feet of office uses” to “23,000 square feet of office use and 24,500 square feet of light industrial use” on February 4, 1998.

APPLICATION DETAILS

Petitioner is requesting to amend the restrictive note on the “The Giller Plat” to reflect the proposed use of the property.

The current plat restriction is 32,000 square feet of proposed office use.

The proposed plat restriction is 6,400 square feet of retail/commercial use and 25,600 square feet of warehouse use.

Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a girl scout campground facility, and a private school.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102. Approval of the delegation request shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event that sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: The proposed change is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

Staff Analysis/Findings of Fact

The proposed amendment allowing a mix of retail/commercial and warehouse use is consistent with the existing and proposed use of the subject site. The retail/commercial use will consist of 6,400 square feet for retail sales. The warehouse use will consist of 3,600 square feet for office and product showroom, 15,000 square feet for light manufacturing of wood products, and 7,000 square feet for storage. Staff notes that a trips run was completed in October 2002, by Martin Berger with the Development Management Division of Broward County which indicates trips are currently available on University Drive.

Staff Recommendation

Recommendation: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Exhibits

1. Justification letter
2. Plat
3. Existing Future Land Use Map
4. Subject Site and Aerial Map

Prepared by: _____

Reviewed by: _____

WEBBER, HINDEN & McLEAN

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

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DAVIE, FLORIDA 33314

MAILING ADDRESS

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TELEPHONE (954) 587-3058
TELECOPIER (954) 587-1770

October 11, 2002

Debra Ross
Development Services Department
Town of Davie
6591 Orange Drive
Davie, FL 3314-3399

Re: William Wolf purchase from Richard & Rebecca Cousins
Property: The Giller Plat 155-38 B Parcel "A"
Folio Number: 5041-33-24-0010
Our File No.: E-0156

Dear Ms. Ross:

As you are aware, this office represents William Wolf, who is the contract purchaser of the above referenced property. Please consider this letter as Mr. Wolf's request for approval to amend a plat note on "The Giller Plat" which is recorded in Plat Book 155 Page 38 of the Public Records of Broward County, Florida.

Mr. Wolf plans to build a thirty-two thousand (32,000) square foot building. The uses will be as follows:

1. Approximately six thousand four hundred (6,400) square feet for retail sales.
2. Approximately three thousand six hundred (3,600) square feet for office and showroom for his cabinetry products and other retail.
3. Approximately fifteen thousand (15,000) square feet for his shop, which will be for light manufacturing of wood products.
4. Approximately seven thousand (7,000) square feet for storage.

The plat note in question on The Giller Plat reads as follows:

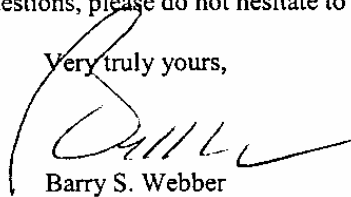
"This plat is restricted to 32,000 square feet of Office Use. Commercial/retail uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of Commissioners."

The request is to eliminate the above stated language from the plat.

Mr. Wolf has met with Martin Berger of Broward County who ran a trip survey which indicated allowance of the proposed use.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Barry S. Webber', is written over the typed name.

Barry S. Webber

BSW/gki

cc: William Wolf

WEBBER, HINDEN & McLEAN

[illegible]

02-17-94 - 11:52 AM
OR8 21772 PC 644

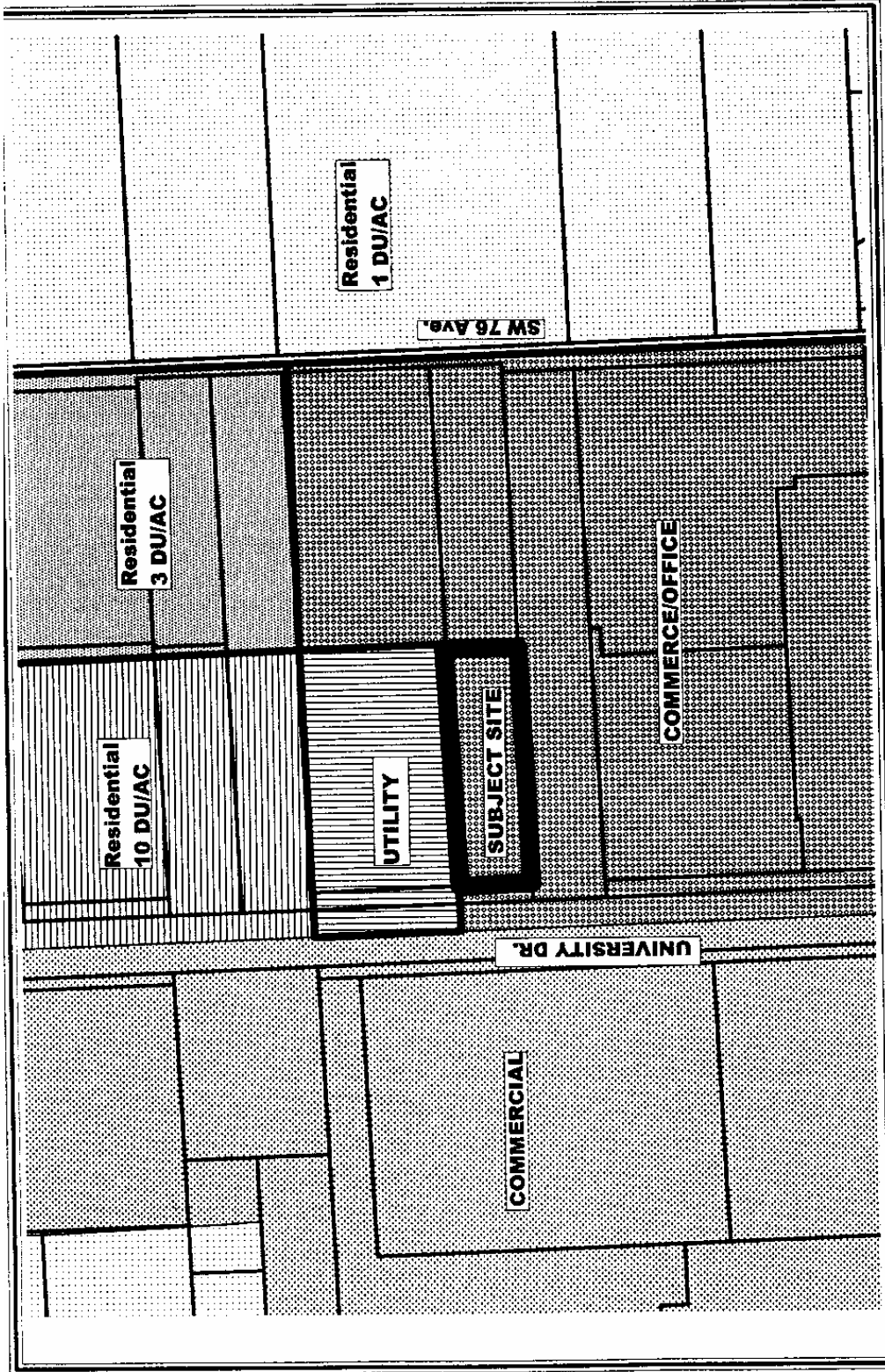
[illegible]

SECTION 33, TOWNSHIP 30 SOUTH, RANGE 41 EAST,
PLAT BOOK 3, PAGE 67, DADE COUNTY RECORDS,
TOWN OF DAVIE BROWARD COUNTY, FLORIDA

PORTLAND BR. INC. SUPPLY & CHEMICALS CO. 400 N.E. 2nd Avenue PORT LAUDERDALE FLORIDA 33050

[illegible]

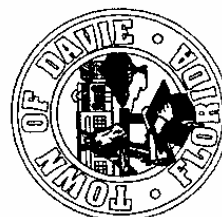
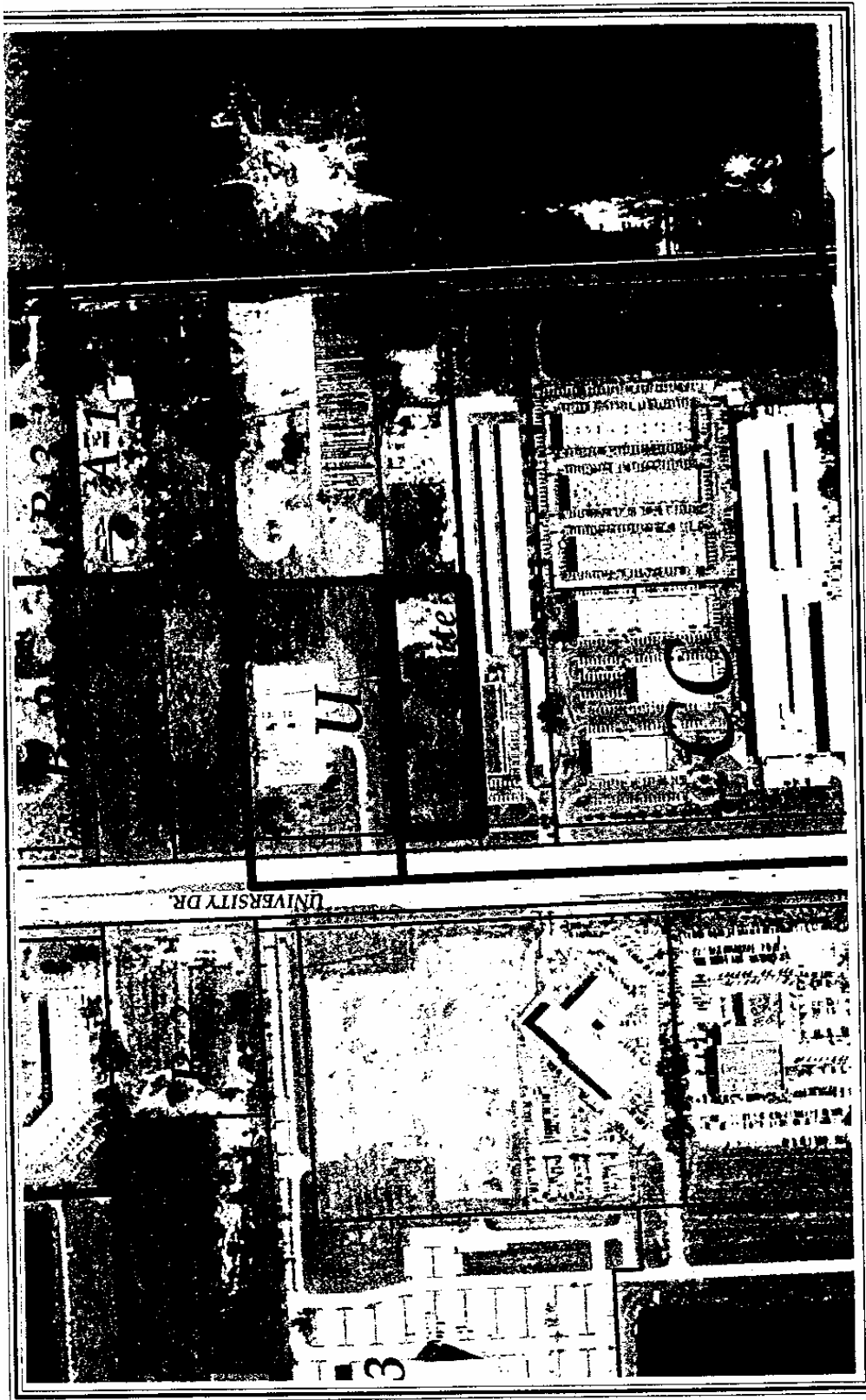
Q13 - M12 - M11



Delegation Request
 DG 10-3-02
 Existing Future Land Use Map



Planning & Zoning Division - GIS



Delegation Request
 DG 10-3-02
 Subject Site and Aerial Map
 Date Flown: 12/31/01



300 0 300 Feet

Planning & Zoning Division - GIS